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702 Post Office Building
St. Paul, Minnesota 55101
May 7, 1980

Mr. Stephen Shakman
Office of the State Attorney General
Pollution Control Division
1935 West County Road B-2
Roseville, Minnesota 55113

Dear Mr. Shakman:

On April 21-22, 1980, members of my staff and I met with representatives of Environmental Research and Technology Inc. to discuss the ongoing USGS investigation of ground-water contamination by coal-tar derviatives in the St. Louis Park area. At that time, ERT requested copies of numerous documents in our project file. The documents were loaned to you on April 24 for copying, cataloging, and transmittal to ERT in fulfillment of legal obligations on the part of the State arising from current litigation against the Reilly Tar and Chemical Company.

The purpose of this letter is to describe the nature of the documents and the limitations that must be placed on their use and distribution.

The need for restrictions on the use and distribution of the data arise from three considerations, (1) some of the material is not the property of the USGS, (2) the data are complex and need to be checked before formal release to the public, and (3) USGS policy requires that once data are released, they must be made equally available to all interested parties. This policy is to avoid giving an unfair competitive advantage to a few.

The documents provided include published reports, an author's manuscript, chemical analyses, water-level measurements, geophysical logs, maps, graphs, tables, and raw data. Some of the documents bear notes and annotations.

The published reports were provided as a professional courtesy to the ERT staff and, of course, there need be no restrictions on their distribution to ERT unless copying is prohibited by copyright.

The author's manuscript "Contamination of ground water by coal-tar derivatives, St. Louis Park area, Minnesota--Conceptual basis, methodology, and preliminary results of physical laboratory models" is an initial working draft summarizing research being conducted by Professor Hans Olaf Pfannkuch, Department of Geology and Geophysics, University of Minnesota. The research is being supported by the USGS as part of the St. Louis Park study. The manuscript, however, is the property of Prof. Pfannkuch and the University of Minnesota. Parts or all of

it may be revised and submitted to the USGS in fulfillment of contractual obligations. Prof. Pfannkuch has consented to reproduction of the manuscript with the provision that it remain confidential. He has two major reasons for this restriction. The first is to protect his right to future publication or other use of his work. The second is to prevent dissemination of the document before it is completed and reviewed, and the experimental results are confirmed and updated.

The other documents are the property of the USGS. Some of the data they contain, however, were collected by others.

The St. Louis Park problem is very complex, and evaluation of some aspects of the problem requires detailed and accurate measurements. Because the St. Louis Park study is an ongoing investigation, all the data are in various stages of collection, verification, compilation, and interpretation.

Many of the documents consist of compilations of measurements which, when checked for accuracy, consistency, and validity, could be routinely released by the USGS as basic data. However, some measurements cannot be checked, and will not be meaningful until additional related information is obtained.

For example, in order to accurately measure the potentiometric surface of the Middle Drift aquifer at one location, it is generally necessary to (1) drill a test hole to establish the presence of this hydrogeologic unit at a particular location, (2) properly install a piezometer at an appropriate depth, (3) develop the piezometer to insure that the water-level in it accurately reflects the potentiometric surface of the aquifer, (4) establish a measuring point on the piezometer and measure the depth-to-water below it, (5) determine the altitude of the measuring point by spirit-leveling and calculate a water-level altitude, and (6) verify that this altitude is consistent in time and space with trends observed in other piezometers completed in the same aquifer. This may require repeated measurements over several months. It is sometimes necessary to install one or more additional piezometers to verify that there are not significant vertical head changes within the aquifer or to confirm that a particular sand body is, in fact, part of the Middle Drift aquifer. It is always necessary to check the data for computational or labeling errors.

The documents provided for copying include steps 4 and 5 of this example for some wells. Before the data are formally released by the USGS as representing the potentiometric surface of a particular aquifer, the appropriate and practical steps should be taken—including the final check of the data. Data in the other documents provided will require comparable evaluation before formal release. Therefore, copies of all unpublished documents that we have provided should be identified as preliminary and subject to revision.

In addition, all the unpublished documents should be used only as required by the current litigation. About 25 engineering and consulting firms expressed an interest in the recent Minnesota Department of Health RFP for the design of remedial action of the contamination problem. We do not want to give unfair advantage to a few firms in obtaining possible future contracts.

I would like to emphasize our willingness to cooperate with all parties interested in the results of our technical evaluation. We have provided the information that was requested. However, for the sake of fairness, accuracy, and scientific validity, it is necessary and appropriate that limitations be placed on the use of preliminary information from our files.

Sincerely,

Donald R. Albin
District Chief

cc: Mr. John C. Craun, ERT
Dr. Robert W. Dunlap, ERT
Regional Hydrologist, MR
Solicitor General's Office, Department of Interior

MST received on 10/7/80 from MFH